

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JOSEPH FERRANTE, KATHLEEN )  
DONNATIN, BOBBY FAUL, ROBERT )  
INGWER, ERIN VADALA and )  
AUBURN SCALLON, Individually, and )  
on Behalf of All Others Similarly )  
Situated, )**

**Plaintiffs,**

**V.**

**411 REST CORP., A New York Corporation d/b/a TONIC EAST and TONIC TIME SQUARE, and MARIO ARCARI, PETER ARCARI and KENNETH CAUFIELD, Individually,**

**Defendants.**

**Case No. 07 CV 11169 (SAS)**

**ECF CASE**

**PLAINTIFF'S NOTICE OF FILING CONSENT(S) TO JOIN  
PURSUANT TO [29 U.S.C. §§207, 211(c), 216(b)]**

NOW COME the Plaintiffs, Joseph Ferrante, Kathleen Donnatin, Bobby Faul, Robert Ingwer, Erin Vadala and Auburn Scallon, individually and on behalf of all others similarly situated, (hereafter referred to as “Plaintiffs”) by and through their attorney, Erik H. Langeland, and hereby submit the following Consent(s) to Join pursuant to 29 U.S.C. §216(b), copies of which are attached and identified as follows:

- ## 1. Tristan Cunningham

Erik H. Langeland, P.C.  
Attorneys for Plaintiffs

DATED: May 22, 2008

/s/ Erik H. Langeland  
Erik H. Langeland (EL-7512)  
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New York, NY 10110  
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**OPT-IN CONSENT FORM**

**Ferrante, et al v. 411 Rest. Corp., d/b/a Tonic East, et al**

**Complete and Return To:**

**Erik H. Langeland, P.C.**

Attn: Tonic East Class Action

500 Fifth Avenue

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New York, NY 10110

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(212) 898-9086 (Fax)

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**CONSENT TO JOIN COLLECTIVE ACTION**

**Pursuant to Fair Labor Standards Act, 29 U.S.C. §216(b)**

1. I, Tristan Cunningham, consent and agree to pursue my claims arising out of unpaid overtime and minimum wages as a waitress (bartender/waitress) for 411 Rest Corp., d/b/a Tonic East in connection with the above-referenced lawsuit.
2. I worked in the position of waitress (bartender/waitress) for 411 Rest Corp., d/b/a Tonic East from on or about Jan. 2008 (month, year) to on or about May 23 2008 (month, year).
3. I understand this lawsuit is brought under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201, et. seq. I hereby consent, agree and opt-in to become a Plaintiff herein and be bound to any judgment by the Court or any settlement of this action.
4. I hereby designate the law firm of ERIK H. LANGELAND, P.C. and STEPHAN ZOURAS, LLP ("Plaintiffs' Counsel"), to represent me for all purposes of this action.
5. I also designate the Class Representatives as my agents to make decisions on my behalf concerning the method and manner of conducting this litigation including the settlement thereof, the entering of an agreement with Plaintiffs' Counsel concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit.

DATE SIGNED: 5/14/08

SIGNATURE: Tristan Cunningham

PRINT NAME: TRISTAN CUNNINGHAM

**\*\*NOTE\*\* Statute of Limitations concerns mandate that you return this form as soon as possible to preserve your rights. (See "Notice of Proposed Class Action Lawsuit" for time deadlines).**